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MIGUEL ALVAREZ-MEZA

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. MIGUEL ALVAREZ-MEZA, Defendant.	)	Case No. 08cr0246 JM ***FIRST AMENDED*** NOTICE OF MOTIONS AND MOTIONS: (1) TO COMPEL DISCOVERY (2) TO DISMISS THE INDICTMENT BECAUSE MR. ALVAREZ-MEZA'S PRIOR DEPORTATION IS INVALID; (3) TO PRESERVE EVIDENCE; AND (4) FOR LEAVE TO FILE FURTHER MOTIONS. Date: July 10, 2008 at 9:00 a.m.

TO: KAREN P. HEWITT, UNITED STATES ATTORNEY, AND STEVEN DESALVO, ASSISTANT UNITED STATES ATTORNEY:

PLEASE TAKE NOTICE that on **July 10, 2008, at 9:00 a.m.**, or as soon thereafter as counsel may be heard, Defendant, MIGUEL ALVAREZ-MEZA, by and through counsel, Kurt David Hermansen, will ask this Court to enter an order granting the following motions.

MOTIONS

Defendant, MIGUEL ALVAREZ-MEZA, by and through counsel, Kurt David Hermansen, pursuant to the United States Constitution, the Federal Rules of Criminal Procedure, and all other applicable statutes, case law and local rules, hereby moves this Court for an Order:

1. compelling discovery
2. dismissing the indictment;
3. preserving evidence; and
4. granting leave to file further motions.

These motions are based upon the instant motions and notice of motions, the attached statement of facts and memorandum of points and authorities, and all other materials that may come to this Court's attention at the time of the hearing on these motions.

Dated: *June 26, 2008*

s/Kurt David Hermansen

Attorney for Defendant
Email: KDH@KurtDavidHermansen.com

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. MIGUEL ALVAREZ-MEZA, Defendant.	))))))))))	Case No. 08cr0246 JM **CERTIFICATE OF SERVICE**

IT IS HEREBY CERTIFIED THAT:

I, KURT DAVID HERMANSEN, am a citizen of the United States and am at least eighteen years of age. My business address is 110 West C Street, Suite 1810, San Diego, California 92101.

I have caused service of **NOTICE OF MOTION AND MOTIONS: (1) TO COMPEL DISCOVERY; (2) DISMISS THE INDICTMENT; (3) PRESERVE EVIDENCE; AND (4) FOR LEAVE TO FILE FURTHER MOTIONS & MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF DEFENDANT'S MOTIONS**.

The following recipients are currently on the list to receive e-mail notices for this case and have thus been served electronically at the following email addresses:

Steven D DeSalvo
steven.desalvo@usdoj.gov, maria.richardson@usdoj.gov

Kurt David Hermansen
KDH@KurtDavidHermansen.com

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: *June 26, 2008*

s/*Kurt David Hermansen*
Attorney for Defendant
KDH@KurtDavidHermansen.com